

in the public hearings HELD ON FEBRUARY 28, 1983, MARCH 14, 1983, and MARCH 28, 1983, no evidence was presented which established discrimination in public or private contracting on the grounds of race, color, religion or national origin as to any other racial or ethnic group in the City, except Black Americans. SUBSEQUENTLY, ON NOVEMBER 1, 1983 AN ADDITIONAL PUBLIC HEARING WAS HELD, DURING WHICH EVIDENCE WAS PRESENTED WHICH ESTABLISHED DISCRIMINATION IN PUBLIC AND PRIVATE CONTRACTING ON THE GROUNDS OF RACE, COLOR, RELIGION OR NATIONAL ORIGIN AS TO OTHER RACIAL OR ETHNIC GROUPS IN THE CITY, INCLUDING HISPANICS, ASIAN AMERICANS, AND AMERICAN INDIANS.

Section 2. That all Ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That this Ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

Approved:

DONALD E. PAILEN

Corporation Counsel

Read twice by title, ordered printed and laid on the table.

Resolution Setting Hearing

By Council Member Cleveland:

Resolved, That a public hearing will be held by this body in the Committee Room, 13th Floor of the City-County Building, on MONDAY, JANUARY 30, 1984 at 10:30 A.M. for the purpose of considering the advisability of adopting the foregoing proposed ordinance to amend Chapter 21, relative to the definition of minority and certain findings of the City Council in the sheltered market programs and minority business enterprise subcontractor utilization program. All interested persons are invited to be present to be heard as to their views.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Ravitz, and President Henderson — 8.

Nays — None.

By Council Member Cleveland:

Whereas, The Detroit City Council of the City of Detroit has conducted public legislative hearings to determine the possible need for sheltered market programs and minority business enterprise subcontractor utilization programs; and

Whereas, That despite the invita-

tions to all racial and ethnic groups to participate in the public hearings held on February 28, 1983, March 14, 1983, and March 28, 1983, no evidence was presented which established discrimination in public or private contracting on the grounds of race, color, religion or national origin as to any other racial or ethnic group in the City, except Black Americans. Subsequently, on November 1, 1983 an additional public hearing was held, during which evidence was presented which established discrimination in public and private contracting on the grounds of race, color, religion or national origin as to other ethnic groups in the City, including Hispanics, Asian Americans, and American Indians; and

Whereas, The City Council of the City of Detroit has concluded that based upon such testimony, evidence and empirical data, Hispanic Americans, Asian Americans and American Indians should be included in the Sheltered Market programs and Minority Business Subcontractor Utilization Programs; Now, Therefore, Be It

Resolved, That the City Council of the City of Detroit hereby adopts as applicable and relevant to the minority groups cited above those Findings as set forth in Chapter 21, Article 13, Section 21-13-2 of the City Code and additionally those Findings set forth in Subsections 21-13-2(h) and 21-13-2(i), as amended hereby.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Ravitz, and President Henderson — 8.

Nays — None.

City Engineering Department

January 3, 1984

Honorable City Council:

Re: Petition No. 1798—Mount Carmel Mercy Hospital, Conversion to Easement of the Street and Alleys in the Blocks Bounded by Lesure, Schaefer, McNichols and Santa Maria Avenues.

The above petition requests the conversion of the above-described street and alleys into an easement for public utilities.

The requested conversion to easements for public utilities was approved by the Community and Economic Development Department, provided the petitioner allows pedestrian and vehicular traffic northbound from the north-south alley first west of Schaefer to exit east to Schaefer through their driveway and approach at the south end of their property.

The petition was then referred to us for investigation and report. Our report,

accompanied by the original petition, is as follows:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

Water and Sewerage Department — (Sewer Maintenance Division) Receipt No. C-13900 — \$6,500.00 — For the estimated cost to construct two catch basins at the north line of the east-west alley at the intersection with Tracey Avenue first north of West McNichols.

All other involved City departments and privately owned utility companies reported that they have no objections to the conversions of public rights-of-way into easements, provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director.

By Council Member Mahaffey:

Resolved, That all that part of Tracey Avenue, 60 feet wide, between West McNichols and Santa Maria Avenue, lying between and abutting the front lien of Lots 36 to 48 and Lots 49 to 61 all inclusive of Hartwig's Subdivision of S.E. 1/4 of S.E. 1/4 of S.E. 1/4 of Section 7, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 47, Page 98, Plats, Wayne County records; also

All that part of Santa Maria Avenue, variable width, lying between and abutting the easterly line of Lesure Avenue, 60 feet wide, and the westerly line of Schaefer Highway, 86 feet wide, all of the above mentioned subdivision; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Lesure, Tracey, West McNichols and Santa Maria Avenues, abutting the rear line of Lots 49 to 61 and Lots 75 to 87, all inclusive, of the above mentioned subdivision; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Tracey, Schaefer Highway, West McNichols and Santa Maria abutting the rear line of Lots 1 to 5 and Lots 47 and 48 and the northerly 25 feet of Lot 46, all inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into public easements of the full width of the streets and alleys, which easements shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the

owners of the lots abutting on said streets and alley and their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public easements or rights of way over said vacated public streets and alleys hereinabove described for the purposes of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephones, electric light conduits or poles or things usually placed or installed in a public street or alley in the City of Detroit, with the right of ingress and egress at any time to and over said easements for the purpose above set forth.

SECOND, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easements, nor any change of surface grade made, without prior approval by the City Engineering Department.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated streets or alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners, upon whose property the poles or other utilities are located, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

PROVIDED FURTHER, that if any utility located or to be located on said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and be it further

Resolved, that the petitioner enter into an agreement with the City of Detroit, approved by the Law Department, guaranteeing public access from the remaining portion of public alley first west of Schaefer to Schaefer by through the hospital driveway at the north end of the portion of alley to remain open

Adopted as follows: Ayes — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Ravitz, and President Henderson
Nays — None.